

Charter Commission Minutes

Amherst Charter Commission meeting of Thursday, July 13, 2017 – Police Station Community Room

Members present: Andy Churchill, Meg Gage, Nick Grabbe, Tom Fricke, Mandi Jo Hanneke, Diana Stein, Gerry Weiss, Julia Rueschemeyer (arrived late), Irv Rhodes (attending remotely)

Members absent: None

Collins Center: Tanya Stepasiuk

Agenda

1. Call to order, approve agenda
2. Public comment
3. Final review master draft language (all articles and introduction)
4. Vote on draft Charter proposal
4. Topics not reasonably anticipated by the Chair 48 hours prior to the meeting
5. Planning: future meetings; publication; etc.
6. Adjourn

SUMMARY: This meeting was devoted to technical drafting of various sections of the draft Charter, working from the following documents:

- Master Draft - July 13, 2017
- Preliminary Report Drafts - Cover Letter, Summary, Updated Comparison, Updated Organizational Chart
- Comments on drafts by Marilyn Contreas of Collins Center, Lauren Goldberg of KP Law, and Alisa Brewer
- Style edits on draft from Churchill and Stein

The work of this meeting is reflected in the subsequent document:

- Preliminary Report of the Charter Commission

Additional notes on aspects of the discussion follow.

Meeting called to order 5:42

Andy: Plan to send Charter to Bulletin Friday

Public comment

Mary Streeter: “We have had an increase in candidates...resurgence of interest in our own governance. Town meeting proponents: Obamacare vs. Trumpcare – preferred more time to be spent on that.”

Andy: Irv joining us remotely for reason of geographic distance.

John Fox: Effectively you’re replacing town 240 reps with majority of 7 – will not represent our town – will represent power, money... I think it’s a great mistake.

Kevin Collins: Question of whether Charter commission should fix Town Meeting has come up over the past several months. Current Charter for Town Meeting text very short. Most power is in state law. Under state law members do not have fiduciary duty, conflict of interest, immune to laws that prohibit using elected positions – if we had mayor that could vote interests – we’d have mob in streets – the reason Charter can’t fix is because it’s in state law – Town Meeting could pass bylaw.

The Charter commission can't do that – they can't fix Charter. To keep saying we should somehow fix Town Meeting – there's no mechanism. What we have here: citizens of Amherst claiming their right to choose form government – if voters want government immune to laws that prohibit elected officials from using their position to influence mandated board – that is their right. John Adams made that clear in preamble (state constitution) – this is voter's time to choose government.

Final review of preliminary Charter

Diana: Preamble too hokey?

Andy: No motion to drop it. We can leave it there and see what feedback we receive.

Diana: I just raised the issue because we had discussed it last time.

Andy: We never reached a decision.

Meg: I vote inertia.

Andy: will look at it later.

Julia arrives at 5:56

Mandi will reword Section 2-10 to require 10 members for zoning bylaw

Irv: Discuss the number of members called a quorum in Section 2-6b

Point is to make it clearer

Gerry agrees

Tanya: Is there an edit that needs to be made for quorum?

Changed to “unless otherwise...”

Section 2-13 Tom suggests switching “master plan” and “budget”

Note to recheck 3-3c

Marilyn Contreas added 10-6, grammar and capitalization changes by commission

Discussed a document handed to Andy by Planning Department Director: It states that the ZBA would prefer a 3-member board

It was signed by 4 members

Andy: One suggestion is we could take what we have and discuss it further with ZBA. Then we could decide for the final Charter draft what we want to do. Or we could have a long discussion tonight.

Meg: The concerns we had about a 3-person board seem valid...I don't see how the time would be well used tonight.

Andy: So do we want to stick with what we have?

Consensus that it is an easy fix if desired; to table for later.

Andy moves to preliminary drafts (introduction to the preliminary Charter).

Andy: We have looked at this previously, there are a few tweaks to it.

Mandi: One change is to spell out ZBA.

Andy: Before we go to vote are there any additional comments from the public?

No

Mandi: I move to adopt the document that was just on the screen with all the changes accepted as the preliminary Charter for the Amherst Charter commission.

Irv: seconded

Gerry: I would like this to be a roll call vote.

Mandi: It has to be because Irv is not here.

Tom: aye.

Meg: I have something I want to read...

(Thanks everyone for their hard work, but for three reasons written in letter votes no) No.

Nick: aye

Andy: I vote yes and drafted the letter we had all put in...summarizing a piece of it...regardless of how we vote I feel each of us brought something to this...16 months ago we were elected with widely varying perspectives...rather than just fighting things out from our perspective corners we went out to the community...we explored various proposals and explored dead ends but we persisted. None of us got all that we wanted but we worked forward to propose a Charter that represents our community and what we want our town to look like going forward

Irv: I vote yes...I have been really impressed and also I consider it an honor and a privilege to be a part of this group. When I was elected, it was no secret that I had a distaste for town meeting...

(statement also defends genuineness, responsibility of business community...) "I take issue with anyone who sees business leaders as bad..."

Mandi: My vote is going to be a yes. The one thing that struck me was all the comments we heard. What struck me was nearly all the comments supporting Town Meeting came from town meeting members, while we received comments from both the public and Town Meeting members urging us to adopt a council form. The form must work for everyone, and when nearly nobody not participating in the government supports the form of the government, it's not working.

Diana: I will tell you that no vote has caused me more grief than this vote...I worked hard to make this Charter the best for Amherst in case it passes. I have promised not to oppose the new Charter and I won't.

But I also cannot actively support it. We have two good options. I have decided to abstain and not campaign for either side. The citizens of Amherst have a choice and their decision is the one that matters.

Gerry: I feel there will be improvements to our government with this Charter...however I believe those improvements will be offset by a loss of citizen participation. There is no way in my mind that a legislative body of 13 will be more representative than 240...I believe that everyone's views will be better represented by 250...Zoning is the instrument by which a town [structures its future] I too see problems there.

I vote no.

Julia: After reflecting deeply on our current government...I am voting against our Charter proposal.

(Gives two reasons.) Do not support government where people cannot directly elect their leader.

Final Vote: 5 yes, 3 no, 1 abstain. Motion passes.

Mandi: Motion to approve preliminary report introductory materials.

Diana: Second

Unanimous roll call 9-0

Mandi: Motion 3 – To allow Mandi to make cosmetic changes before sending to paper

Meg: Second

Unanimous roll call 9-0

Mandi: I move to – in accordance with MGL Ch.43b Section 9 – to publish preliminary report and Charter in the newspaper and send two copies each to the Attorney General and DHCD.

Gerry: second

Unanimous roll call 9-0

Andy: This is the end of this phase. We will continue to review feedback on draft for the final version.

Adjourn.

Respectfully Submitted,
Emmett Warren